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Similar Problems, Similar Solutions

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In thirteen contributions, *Byzantium in Dialogue with the Mediterranean. History and Heritage* shows that throughout the centuries of its existence, Byzantium continuously communicated with other cultures and societies on the European continent, as well as North Africa and in the East. In this volume, 'History' represents not only the chronological, geographical and narrative background of the historical reality of Byzantium, but it also stands for an all-inclusive scholarly approach to the Byzantine world that transcends the boundaries of traditionally separate disciplines such as history, art history or archaeology. The second notion, 'Heritage', refers to both material remains and immaterial traditions, and traces that have survived or have been appropriated.

Contributors are Hans Bloemsmā, Elena Boeck, Averil Cameron, Elsa Fernandes Cardoso, Cristian Caselli, Evangelos Chrysos, Konstantinos Chrysosgelos, Penelope Mougoyianni, Daphne Penna, Marko Petrak, Matthew Savage, Daniëlle Slootjes, Karen Stock, Alex Rodriguez Suarez and Mariëtte Verhoeven.

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History and Heritage

Edited by

Daniëlle Slootjes and Mariëtte Verhoeven



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CHAPTER 7

Similar Problems, Similar Solutions? Byzantine Chrysobulls and Crusader Charters on Legal Issues Regarding the Italian Maritime Republics

Daphne Penna

1 Byzantium, Italians and Crusades

By the end of the 12th century, the Italian maritime cities of Venice, Pisa and Genoa had gained significant commercial and financial privileges from the Byzantine emperors and thus played an important role in the Mediterranean world. These privileges were included in chrysobulls, golden bulls of the emperor in favour of the Italian cities.¹ Apart from the commercial privileges, which have been studied in the past by many scholars,² legal issues were also regulated in these chrysobulls: for example, maritime, shipwreck and salvage provisions, jurisdiction issues, forms of legal cooperation between both sides and grants of immovable property to the Italians.³ At the end of the 11th century and throughout the 12th, the Crusader states were gradually created in the Middle East. Charters have survived between the Italian cities and various Crusader leaders. Without doubt, the Crusader states represent a special topic, as the legal issues are extremely complicated, especially concerning the feudal law practices in those regions.⁴ Nevertheless, given the fact that the charters

between the Crusader leaders and the Italians were made in the same period in which the Byzantine emperors promulgated acts in favour of the Italians, some parallels could be made in respect to the legal content of the Crusader charters and that of the Byzantine acts to the Italians. After all, as the Italian merchants travelled and expanded their businesses the same legal issues arose: What happened to the goods of Italians in case of a shipwreck within the Empire and within the territories of the Crusader states? What happened to their estates when they died in Byzantium or in the Crusader states? Did Italians have the right to use their own judges and law in Constantinople and in the Crusader states?

In this contribution, I will focus on some examples of legal issues regulated in the Byzantine acts directed at Venice, Pisa and Genoa, and I will attempt to make some first comparisons with similar legal issues encountered in Crusader charters to the same three Italian cities. It would go too far here to present an exhaustive comparison of all the legal issues encountered in the Byzantine acts to the ones regulated in the Crusader charters or to present a full analysis of the formation and administration of the Crusader states. The source material used mainly derives from the previous research done for my dissertation, which covers the period up to 1204.⁵ The aim of this contribution is to raise interest in the study of Byzantine legal matters, particularly in comparison to Crusader legal matters in respect of Italian merchants, and to open channels of cooperation with Crusader historians and especially legal historians who deal with Crusader law. The writings of Angeliki E. Laiou already offer an inspiring shift in this direction.⁶ I will begin by discussing legal issues referring to grants of immovable property to the Italians by the Byzantine emperors and by the Crusader leaders. In the following, I will refer to the jurisdiction of Italian judges in Constantinople and the Crusader states and then to maritime law, shipwreck and salvage provisions concerning the Italians. In the last part, conclusions will be drawn based on the discussed examples on the role of the Italians in the formation of medieval law in the Mediterranean.

1 On this type of Byzantine act, see in detail Franz Dölger and Johannes Karayannopoulos, *Byzantinische Urkundenlehre. Erster Abschnitt: Die Kaiserurkunden* (Munich, 1968), pp. 94–107 and 117–28.

2 For a general overview of these documents from a commercial and political perspective, see Ralph-Johannes Lilie, *Handel und Politik zwischen dem byzantinischen Reich und den italienischen Kommunen Venedig, Pisa und Genua in der Epoche der Komnenen und der Angeli 1081–1204* (Amsterdam, 1984).

3 For the legal analysis of all preserved Byzantine imperial acts (chrysobulls, letters, decrees, etc.) to Venice, Pisa and Genoa in the 10th, 11th and 12th centuries, see Dafni Penna, “The Byzantine Imperial Acts to Venice, Pisa and Genoa, 10th–12th Centuries. A comparative legal study.” PhD diss. (University of Groningen, 2012).

4 For this subject, see, for example, Joshua Prawer, *Crusader Institutions* (Oxford, 1980), hereafter cited as Prawer, and J.L. La Monte, *Feudal Monarchy in the Latin Kingdom of Jerusalem, 1100 to 1291* (Cambridge, MA, 1932, Reprint New York, 1970) and many writings of D. Jacoby; for

example, David Jacoby, “The Venetian privileges in the Kingdom of Jerusalem,” in *Montjoie, Studies in Crusade History in Honour of Hans Eberhard Mayer*, Benjamin Z. Kedar et al., eds. (Aldershot, 1997), pp. 155–75.

5 See Penna, “The Byzantine Imperial Acts.”

6 See especially Angeliki E. Laiou, “Byzantine trade,” in *The Crusades from the perspective of Byzantium and the Muslim world*, Angeliki E. Laiou and Roy Parviz Mottahedeh, eds. (Washington, D.C., 2001), pp. 180–87. In this direction also La Monte, *Feudal Monarchy*, pp. 227–42, especially p. 236, n. 2, Prawer, p. 244 and David Jacoby, “Venetian privileges,” pp. 157 and 161.